

HOUSE BILL No. 1571

DIGEST OF INTRODUCED BILL

Citations Affected: IC 32-25-8-2.

Synopsis: Condominium co-owners meetings. Provides that the bylaws of a condominium association must include a requirement that specifies that any co-owners' meeting that is called must be open to all of the co-owners to attend.

Effective: July 1, 2015.

Smith V

January 20, 2015, read first time and referred to Committee on Government and Regulatory Reform.



First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE BILL No. 1571

A BILL FOR AN ACT to amend the Indiana Code concerning property.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 32-25-8-2, AS AMENDED BY P.L.119-2012,
2 SECTION 163, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2015]: Sec. 2. The bylaws must provide for the
4 following:
5 (1) With respect to the board of directors:
6 (A) the election of the board from among the co-owners;
7 (B) the number of persons constituting the board;
8 (C) the expiration of the terms of at least one-third (1/3) of the
9 directors annually;
10 (D) the powers and duties of the board, including whether the
11 board may engage the services of a manager or managing
12 agent;
13 (E) the compensation, if any, of the directors; and
14 (F) the method of removal from office of directors.
15 (2) **With respect to meetings of the co-owners:**



- 1 (A) the method of calling meetings of the co-owners; ~~and~~
- 2 (B) **a requirement that specifies that any co-owners'**
- 3 **meeting that is called must be open to all of the co-owners**
- 4 **to attend; and**
- 5 (C) the percentage, if other than a majority of co-owners, that
- 6 constitutes a quorum.
- 7 (3) The election from among the board of directors of a president,
- 8 who shall preside over the meetings of:
- 9 (A) the board of directors; and
- 10 (B) the association of co-owners.
- 11 (4) The election of a secretary, who shall keep the minute book in
- 12 which resolutions shall be recorded.
- 13 (5) The election of a treasurer, who shall keep the financial
- 14 records and books of account.
- 15 (6) The maintenance, repair, and replacement of the common
- 16 areas and facilities and payments for that maintenance, repair, and
- 17 replacement, including the method of approving payment
- 18 vouchers.
- 19 (7) The manner of collecting from each condominium owner the
- 20 owner's share of the common expenses.
- 21 (8) The designation and removal of personnel necessary for the
- 22 maintenance, repair, and replacement of the common areas and
- 23 facilities.
- 24 (9) The method of adopting and of amending administrative rules
- 25 governing the details of the operation and use of the common
- 26 areas and facilities.
- 27 (10) The restrictions on and requirements respecting the use and
- 28 maintenance of the condominium units and the use of the
- 29 common areas and facilities that are:
- 30 (A) not set forth in the declaration; and
- 31 (B) designed to prevent unreasonable interference with the use
- 32 of their respective units and of the common areas and facilities
- 33 by the several co-owners.
- 34 (11) The percentage of votes required to amend the bylaws.
- 35 (12) This subdivision applies only to a condominium located on
- 36 the shore of a lake located in a township with a population of
- 37 more than three thousand (3,000) but less than three thousand one
- 38 hundred (3,100) located in a county having a population of more
- 39 than forty-seven thousand (47,000) but less than forty-seven
- 40 thousand five hundred (47,500). A statement of the percentage of
- 41 votes by the condominium unit owners required to convey or
- 42 encumber part or all of the common areas and facilities. A



1 statement under this subdivision may not allow less than
2 ninety-five percent (95%) of the condominium unit owners, or
3 less than ninety-five percent (95%) of the owners of condominium
4 units not owned by the declarant, to convey or encumber part or
5 all of the common areas and facilities. If the bylaws do not
6 include a statement under this subdivision, IC 32-25-4-3.5
7 applies.

8 (13) Other provisions consistent with this article considered
9 necessary for the administration of the property.

